
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-3705.2/08 2nd draft

ATTY/TYPIST: AI:cro

BRIEF DESCRIPTION: Improving sex offender community notification by disclosing to the public at large information regarding level I and II sex offenders who have a conviction for failure to register as a sex offender and adding information regarding level I sex offenders who have a prior failure to register conviction to the statewide kidnapping and sex offender web site.

1 AN ACT Relating to improving sex offender community notification by
2 disclosing to the public at large information regarding level I and II
3 sex offenders who have a conviction for failure to register as a sex
4 offender and adding information regarding level I sex offenders who
5 have a prior failure to register conviction to the statewide kidnapping
6 and sex offender web site; and reenacting and amending RCW 4.24.550.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 4.24.550 and 2005 c 380 s 2, 2005 c 228 s 1, and 2005
9 c 99 s 1 are each reenacted and amended to read as follows:

10 (1) In addition to the disclosure under subsection (5) of this
11 section, public agencies are authorized to release information to the
12 public regarding sex offenders and kidnapping offenders when the agency
13 determines that disclosure of the information is relevant and necessary
14 to protect the public and counteract the danger created by the
15 particular offender. This authorization applies to information
16 regarding: (a) Any person adjudicated or convicted of a sex offense as
17 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW
18 9A.44.130; (b) any person under the jurisdiction of the indeterminate
19 sentence review board as the result of a sex offense or kidnapping

1 offense; (c) any person committed as a sexually violent predator under
2 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;
3 (d) any person found not guilty of a sex offense or kidnapping offense
4 by reason of insanity under chapter 10.77 RCW; and (e) any person found
5 incompetent to stand trial for a sex offense or kidnapping offense and
6 subsequently committed under chapter 71.05 or 71.34 RCW.

7 (2) Except for the information specifically required under
8 subsection (5) of this section, the extent of the public disclosure of
9 relevant and necessary information shall be rationally related to: (a)
10 The level of risk posed by the offender to the community; (b) the
11 locations where the offender resides, expects to reside, or is
12 regularly found; and (c) the needs of the affected community members
13 for information to enhance their individual and collective safety.

14 (3) Except for the information specifically required under
15 subsection (5) of this section, local law enforcement agencies shall
16 consider the following guidelines in determining the extent of a public
17 disclosure made under this section: (a) For offenders classified as
18 risk level I, the agency shall share information with other appropriate
19 law enforcement agencies and, if the offender is a student, the public
20 or private school regulated under Title 28A RCW or chapter 72.40 RCW
21 which the offender is attending, or planning to attend. The agency may
22 disclose, upon request, relevant, necessary, and accurate information
23 to any victim or witness to the offense and to any individual community
24 member who lives near the residence where the offender resides, expects
25 to reside, or is regularly found; (b) for offenders classified as risk
26 level II, the agency may also disclose relevant, necessary, and
27 accurate information to public and private schools, child day care
28 centers, family day care providers, public libraries, businesses and
29 organizations that serve primarily children, women, or vulnerable
30 adults, and neighbors and community groups near the residence where the
31 offender resides, expects to reside, or is regularly found; (c) for
32 offenders classified as risk level III and offenders classified as risk
33 level I or II who have been convicted of failure to register as a sex
34 offender under RCW 9A.44.130, the agency may also disclose relevant,
35 necessary, and accurate information to the public at large; and (d)
36 because more localized notification is not feasible and homeless and
37 transient offenders may present unique risks to the community, the

1 agency may also disclose relevant, necessary, and accurate information
2 to the public at large for offenders registered as homeless or
3 transient.

4 (4) The county sheriff with whom an offender classified as risk
5 level III is registered shall cause to be published by legal notice,
6 advertising, or news release a sex offender community notification that
7 conforms to the guidelines established under RCW 4.24.5501 in at least
8 one legal newspaper with general circulation in the area of the sex
9 offender's registered address or location. The county sheriff shall
10 also cause to be published consistent with this subsection a current
11 list of level III registered sex offenders, twice yearly. Unless the
12 information is posted on the web site described in subsection (5) of
13 this section, this list shall be maintained by the county sheriff on a
14 publicly accessible web site and shall be updated at least once per
15 month.

16 (5)(a) When funded by federal grants or other sources, the
17 Washington association of sheriffs and police chiefs shall create and
18 maintain a statewide registered kidnapping and sex offender web site,
19 which shall be available to the public. The web site shall post all
20 level III and level II registered sex offenders, all level I sex
21 offenders who have been convicted of failure to register as a sex
22 offender under RCW 9A.44.130, and all registered kidnapping offenders
23 in the state of Washington.

24 (i) For level III offenders, the web site shall contain, but is not
25 limited to, the registered sex offender's name, relevant criminal
26 convictions, address by hundred block, physical description, and
27 photograph. The web site shall provide mapping capabilities that
28 display the sex offender's address by hundred block on a map. The web
29 site shall allow citizens to search for registered sex offenders within
30 the state of Washington by county, city, zip code, last name, type of
31 conviction, and address by hundred block.

32 (ii) For level II offenders, and level I offenders who have been
33 convicted of failure to register, the web site shall contain, but is
34 not limited to, the same information and functionality as described in
35 (a)(I) of this subsection, provided that it is permissible under state
36 and federal law. If it is not permissible, the web site shall be
37 limited to the information and functionality that is permissible under
38 state and federal law.

1 (iii) For kidnapping offenders, the web site shall contain, but is
2 not limited to, the same information and functionality as described in
3 (a)(I) of this subsection, provided that it is permissible under state
4 and federal law. If it is not permissible, the web site shall be
5 limited to the information and functionality that is permissible under
6 state and federal law.

7 (b) Until the implementation of (a) of this subsection, the
8 Washington association of sheriffs and police chiefs shall create a web
9 site available to the public that provides electronic links to county-
10 operated web sites that offer sex offender registration information.

11 (6) Local law enforcement agencies that disseminate information
12 pursuant to this section shall: (a) Review available risk level
13 classifications made by the department of corrections, the department
14 of social and health services, and the indeterminate sentence review
15 board; (b) assign risk level classifications to all offenders about
16 whom information will be disseminated; and (c) make a good faith effort
17 to notify the public and residents at least fourteen days before the
18 offender is released from confinement or, where an offender moves from
19 another jurisdiction, as soon as possible after the agency learns of
20 the offender's move, except that in no case may this notification
21 provision be construed to require an extension of an offender's release
22 date. The juvenile court shall provide local law enforcement officials
23 with all relevant information on offenders allowed to remain in the
24 community in a timely manner.

25 (7) An appointed or elected public official, public employee, or
26 public agency as defined in RCW 4.24.470, or units of local government
27 and its employees, as provided in RCW 36.28A.010, are immune from civil
28 liability for damages for any discretionary risk level classification
29 decisions or release of relevant and necessary information, unless it
30 is shown that the official, employee, or agency acted with gross
31 negligence or in bad faith. The immunity in this section applies to
32 risk level classification decisions and the release of relevant and
33 necessary information regarding any individual for whom disclosure is
34 authorized. The decision of a local law enforcement agency or official
35 to classify an offender to a risk level other than the one assigned by
36 the department of corrections, the department of social and health
37 services, or the indeterminate sentence review board, or the release of
38 any relevant and necessary information based on that different

1 classification shall not, by itself, be considered gross negligence or
2 bad faith. The immunity provided under this section applies to the
3 release of relevant and necessary information to other public
4 officials, public employees, or public agencies, and to the general
5 public.

6 (8) Except as may otherwise be provided by law, nothing in this
7 section shall impose any liability upon a public official, public
8 employee, or public agency for failing to release information
9 authorized under this section.

10 (9) Nothing in this section implies that information regarding
11 persons designated in subsection (1) of this section is confidential
12 except as may otherwise be provided by law.

13 (10) When a local law enforcement agency or official classifies an
14 offender differently than the offender is classified by the end of
15 sentence review committee or the department of social and health
16 services at the time of the offender's release from confinement, the
17 law enforcement agency or official shall notify the end of sentence
18 review committee or the department of social and health services and
19 submit its reasons supporting the change in classification. Upon
20 implementation of subsection (5)(a) of this section, notification of
21 the change shall also be sent to the Washington association of sheriffs
22 and police chiefs.

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